



On citizenship of the Republic of Kazakhstan

Unofficial translation

The Law of the Republic of Kazakhstan dated 20 December, 1991, 1017-XII.

Unofficial translation

This Law governs issues concerning the citizenship of the Republic of Kazakhstan.

Footnote. The preamble in the new wording of Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 1

General Provisions Article 1. Citizen and the State

The citizenship of the Republic of Kazakhstan determinates a stable political and legal relationship between a person and the state comprising all their mutual rights and obligations.

Every person in the Republic of Kazakhstan is entitled to citizenship. The citizenship of the Republic of Kazakhstan is acquired and terminated in accordance with this Law.

A citizen of the Republic of Kazakhstan cannot be deprived of his/her citizenship, his/her right to change citizenship and s/he also cannot be expelled from Kazakhstan. The deprivation of citizenship is allowed only by a court decision for committing crimes of terrorism as well as for causing other grave harm to vital interests of the Republic of Kazakhstan.

The Republic of Kazakhstan, represented by its state bodies and officials, is responsible to citizens of the Republic, as well as a citizen of the Republic of Kazakhstan is responsible to the Republic of Kazakhstan. S/he is obliged to observe the Constitution and laws of the Republic of Kazakhstan, to protect interests of the Republic of Kazakhstan, its territorial integrity, to respect the customs, traditions, the state language and languages of all the nationalities living in the country, to contribute to the strengthening of the power, sovereignty and independence of the Republic of Kazakhstan.

Footnote. Article 1 in the new wording of Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on citizenship

1. The legislation of the Republic of Kazakhstan on citizenship is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty, ratified by the Republic of Kazakhstan establishes the rules, other than those provided in this Law, the rules of the international treaty shall apply.

Footnote. Article 2 is in the wording of Law of the Republic of Kazakhstan № 154-IV dated 29.04.2009 (see Article 2 for the enactment procedure).

Article 3. Belonging to the citizenship of the Republic of Kazakhstan

Citizens of the Republic of Kazakhstan are persons who:

permanently reside in the Republic of Kazakhstan on the date of entry into force of this Law;

born on the territory of the Republic of Kazakhstan and are not citizens of a foreign country;

acquired the citizenship of the Republic of Kazakhstan in accordance with this Law.

A citizen of the Republic of Kazakhstan is not recognized as a citizen of another country.

The Republic of Kazakhstan creates the conditions for the return to its territory of the persons that were forced to leave the territory of the republic in the period of mass repression, forced collectivization, as a result of other inhumane political actions, and their descendants, as well as Kazakhs, living in other countries.

Footnote. Article 3 - as amended by Decree of the President of the Republic of Kazakhstan having the force of the Law № 2477 dated 3 October, 1995; by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002

Article 4. Certificate of citizenship

A certificate, evidencing the citizenship of the Republic of Kazakhstan, is the identity card or passport of the Republic of Kazakhstan. Citizenship of a child under the age of 16 years is confirmed by his (her) birth certificate, and by passport of either parent.

Footnote. Article 4 - as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995; by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 5. Legal Status of citizens of the Republic of Kazakhstan

Citizenship of the Republic of Kazakhstan is uniform and equal regardless of the grounds for its acquisition.

Citizens of the Republic of Kazakhstan are equal before the law, regardless of their origin, social and property status, race and ethnicity, sex, education, language, religion, political or other opinion, type of occupation, place of residence or any other circumstances.

Citizens of the Republic of Kazakhstan shall hold full civil, political, economic and social rights and freedoms, proclaimed and guaranteed by the Constitution and laws of the Republic of Kazakhstan.

Footnote. Article 5 is in the wording of Decree of the President of the Republic of Kazakhstan having the force of the Law № 2477 dated 3 October, 1995.

Article 6. Legal status of foreigners and stateless persons

Foreigners and stateless persons in the Republic of Kazakhstan shall enjoy the rights and freedoms, as well as bear responsibilities, established for the citizens, unless otherwise provided by the Constitution, laws and international treaties.

Footnote. Article 6 - is in the wording of Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 7. Preservation of citizenship of the Republic of Kazakhstan

Residence of a citizen of the Republic of Kazakhstan outside the Republic of Kazakhstan shall not entail termination of citizenship of the Republic of Kazakhstan.

The marriage of a citizen of the Republic of Kazakhstan with a person who is not a citizen of the Republic of Kazakhstan, as well as the dissolution of such a marriage, shall not entail a change in the citizenship of the Republic of Kazakhstan.

Footnote. Article 7 – as amended by the Law of the Republic of Kazakhstan dated 16.05.2024 № 82-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 8. Inadmissibility of extradition of a citizen of the Republic of Kazakhstan to another state

Citizen of the Republic of Kazakhstan may not be extradited to a foreign state, unless otherwise stipulated by the international treaties of the Republic.

Footnote. Article 8 is in the wording of Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995.

Article 9. Protection of citizens, living outside the Republic of Kazakhstan

The Republic of Kazakhstan guarantees its citizens the protection and patronage abroad.

Footnote. Article 9 is in the wording of Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995.

CHAPTER 2

Acquisition of citizenship of the Republic of Kazakhstan

10. Grounds for the acquisition of citizenship

Citizenship of the Republic of Kazakhstan shall be acquired:

- 1) by birth;
- 2) as a result of conferment of citizenship of the Republic of Kazakhstan;
- 3) on the grounds or in the manner, provided by the interstate agreements of the Republic of Kazakhstan;

4) on other grounds, stipulated by this Law.

Footnote. Paragraph 3 of Article 10 - as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995.

Article 11. Citizenship of a child whose parents are citizens of the Republic of Kazakhstan

A child, whose parents are both at the time of his (her) birth were citizens of the Republic of Kazakhstan, is a citizen of the Republic of Kazakhstan, regardless of the place of birth.

Footnote. Article 11 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 11-1. Citizenship of a child, whose parents are citizens of a foreign state

A child, whose parents are both at the time of his (her) birth were citizens of a foreign state, is not a citizen of the Republic of Kazakhstan, regardless of his (her) place of birth.

Footnote. The Law is supplemented by Article 11-1 in accordance with Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. Citizenship of a child born to parents with different citizenships

A child, whose parents (one of whom was a citizen of the Republic of Kazakhstan at the time of birth of the child) have different citizenships, shall be a citizen of the Republic of Kazakhstan, if s/he was born:

1) in the Republic of Kazakhstan;

2) outside the Republic of Kazakhstan, but his/her parents or one of them was a permanent resident of the Republic of Kazakhstan at that time.

In case of different citizenships of parents of a child born outside the Republic of Kazakhstan, given that one of them was a citizen of the Republic of Kazakhstan at the time of birth of the child and both had a permanent place of abode outside the Republic of Kazakhstan at that time, the citizenship of the child shall be determined by agreement of his/her parents expressed in written form.

A child is a citizen of the Republic of Kazakhstan regardless of the place of birth, if one of his/her parents was a citizen of the Republic of Kazakhstan at the time of birth of the child, and the other was either a stateless person or had an unknown citizenship.

In the case of establishing paternity for a child, whose mother is a stateless person, and a citizen of the Republic of Kazakhstan is determined his/her father, the child under 14 years of age becomes a citizen of the Republic of Kazakhstan regardless of the place of his/her birth. In case this child's permanent residence is outside the Republic of Kazakhstan, his/her citizenship is determined based on a written request of the parents.

If the parents fail to agree on the child's citizenship, it shall be determined judicially.

Footnote. Article 12 as amended by Law of the Republic of Kazakhstan № 322 dated 17.05.2002; № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 13. Citizenship of a child, whose parents are unknown

A child, located in the territory of the Republic of Kazakhstan and whose both parents are unknown, shall be a citizen of the Republic of Kazakhstan.

Footnote. Article 13 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 14. Acquisition of citizenship of the Republic of Kazakhstan by a child of the stateless persons

A child, whose parents are the stateless persons, that have the permanent residence in the territory of the Republic of Kazakhstan, born in the territory of the Republic of Kazakhstan, shall be a citizen of the Republic of Kazakhstan.

Footnote. Article 14 is in the wording of Law of the Republic of Kazakhstan №15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15. Conferment of the citizenship of the Republic of Kazakhstan

Foreigners and stateless persons permanently residing in the territory of the Republic of Kazakhstan may, at their request, be admitted to the citizenship of the Republic of Kazakhstan in accordance with this Law.

The decision on the application for conferment of the citizenship of the Republic of Kazakhstan is adopted by the President of the Republic of Kazakhstan.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002, № 327-VI dated May 13, 2020 (shall be enforced ten calendar days after the day of its first official publication).

Article 16. Conditions for conferment of the citizenship of the Republic of Kazakhstan

The citizenship of the Republic of Kazakhstan may be granted to:

1) candace permanently residing on the territory of the Republic of Kazakhstan on legal grounds, regardless of the length of residence;

The presence of the conditions, stipulated in the first unnumbered paragraph of this subparagraph, shall not be required for conferment of the citizenship of the Republic of Kazakhstan for minors, disabled, and the persons that have special merits to the Republic of Kazakhstan, or have a profession and meet the requirements on the list, established by the President of the Republic of Kazakhstan, and their families;

2) the citizens of the former Soviet republics, that arrived for permanent residence in the Republic of Kazakhstan, and have one of his (her) close relatives - citizens of the Republic of Kazakhstan: the child (including adopted), the wife (husband), one of the parents (adoptive parents), sister, brother, grandfather or grandmother, regardless of their residence in the Republic of Kazakhstan.

Issues of the citizenship of military servicemen, performing military service and deployed in the territory of the Republic of Kazakhstan shall be determined by the interstate agreements of the Republic of Kazakhstan.

Footnote. Article 16 is in the wording of Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 03.10.1995; as amended by Laws of the Republic of Kazakhstan № 322 dated 17.05.2002; № 600 dated 04.10.2004; № 255 dated 22.05.2007 (shall be enforced from the day of its official publication); № 478 dated 22.07.2011 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated May 13, 2020 № 327-VI (shall be enforced from January 1, 2021).

Article 16-1. Requirements for conferring citizenship of the Republic of Kazakhstan in the simplified (registration) procedure

The simplified (registration) procedure of granting the citizenship of the Republic of Kazakhstan can be applied to:

- 1) kandases, permanently residing on the territory of the Republic of Kazakhstan legally, regardless of the period of residence;
- 2) rehabilitated victims of mass political repression, as well as their descendants, deprived or lost citizenship without their free will, permanently residing in the territory of the Republic of Kazakhstan legally, regardless of the period of residence, as well as persons entitled to acquire citizenship of the Republic of Kazakhstan in a simplified manner order based on international treaties ratified by the Republic of Kazakhstan;
- 3) ethnic Kazakhs studying at higher educational institutions of the Republic of Kazakhstan;
- 4) widows of citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan legally, regardless of the period of residence.

The time period to consider papers submitted for the conferment of citizenship in the simplified (registration) procedure shall not exceed three months from the filing date.

Footnote. The Law is supplemented by Article 16-1 in accordance with Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); in the new wording of Law of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 16.05.2024 № 82-VIII (shall come into effect upon expiration of ten calendar days after the day of its first official publication).

Article 17. Grounds for refusal to grant citizenship or restoration of citizenship of the Republic of Kazakhstan

Footnote. The title of Article 17 as amended by the Law of the Republic of Kazakhstan dated May 16, 2024 № 82-VIII (shall come into effect ten calendar days after the day of its first official publication).

An application for admission to citizenship or restoration of citizenship of the Republic of Kazakhstan shall be rejected if the person applying for this:

- 1) committed a crime against humanity specified by the international law, knowingly acts against the sovereignty and independence of the Republic of Kazakhstan;
- 2) calls for the violation of unity and territorial integrity of the Republic of Kazakhstan;
- 3) performs illegal activities that harm national security, public health;
- 4) incites ethnic and religious discord, counterworks functioning of the state language of the Republic of Kazakhstan;
- 5) is involved in terrorist or extremist organizations or has been convicted of terrorist or extremist crimes;
- 6) is on the international wanted list, serving a sentence under a court sentence that has entered into legal force, or his/her actions have been recognized by the court as a repeat crime or a dangerous repeat crime;
- 7) is a citizen of another state(s);
- 8) provided false information about himself/herself when applying for admission to citizenship of the Republic of Kazakhstan or restoration of citizenship of the Republic of Kazakhstan, or without good reason did not submit the necessary documents within the time limits established by the legislation of the Republic of Kazakhstan;
- 9) has an unexpunged or outstanding conviction for committing an intentional crime on the territory of the Republic of Kazakhstan or beyond its borders, recognized as such by the Criminal Code of the Republic of Kazakhstan;
- 9-1) committed a crime against the sexual integrity of a minor;
- 10) committed an offence in the economic sphere within five years prior to filing an application for the conferment or resumption of the citizenship of the Republic of Kazakhstan ;
- 10-1) repeatedly violated the legislation of the Republic of Kazakhstan on population migration within five years prior to filing an application for the conferment or resumption of the citizenship of the Republic of Kazakhstan;
- 11) lost the citizenship of the Republic of Kazakhstan pursuant to subparagraphs 1), 2) and 5) of Article 21 of this Law within five years prior to filing an application for the conferment or resumption of the citizenship of the Republic of Kazakhstan;
- 12) lost the citizenship of the Republic of Kazakhstan pursuant to subparagraph 8) of the first part of Article 21 of this Law;

13) lost the citizenship of the Republic of Kazakhstan pursuant to Article 20-1 of this Law

14) does not know the state language at an elementary level, the basics of the Constitution of the Republic of Kazakhstan, as well as the history of Kazakhstan to the extent determined by the authorized body in the field of science and higher education.

Provisions of subparagraph 7) of the first part of this Article shall not apply to persons that are subject to international treaties ratified by the Republic of Kazakhstan, as well as those mentioned in the second part of subparagraph 1) of the first part of Article 16 and Article 16-1 of this Law and those, who put in a notarized written application to Internal Affairs bodies for the renunciation of foreign citizenship of the state whose nationals they are and addressed to an official of this state, who makes decisions on issues related to citizenship.

The provisions of subparagraph 14) of part one of this Article shall not apply to minors, incompetents, or persons who have special merits to the Republic of Kazakhstan or have professions and meet the requirements according to the list established by the President of the Republic of Kazakhstan, ethnic Kazakhs, as well as persons entitled to acquisition of citizenship of the Republic of Kazakhstan in a simplified manner based on international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 17 is in the wording of Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 233-V dated 04.07.2014 (shall be enforced from 01.01.2015); № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 № 292-VI (the order of enforcement see Article 2); dated May 16, 2024 № 82-VIII (the order of enforcement refer to Art. 2).

Article 18. Resumption of the citizenship of the Republic of Kazakhstan

A person that previously was a citizen of the Republic of Kazakhstan can resume the citizenship of the Republic of Kazakhstan upon a relevant application in keeping with legal requirements of the Republic of Kazakhstan.

Footnote. Article 18 is in the wording of Law of the Republic of Kazakhstan № 15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 18-1. Requirements for resuming the citizenship of the Republic of Kazakhstan

Footnote. Article 18-1 is excluded by Law of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 3

Termination of citizenship Article 19. Grounds to terminate the citizenship

The citizenship of the Republic of Kazakhstan is terminated due to:

- 1) renunciation of the citizenship of the Republic of Kazakhstan;
- 2) loss of the citizenship of the Republic of Kazakhstan;
- 3) deprivation of the citizenship of the Republic of Kazakhstan.

Footnote. Article 19 as amended by Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 20. Renunciation of citizenship

Renunciation of the citizenship of the Republic of Kazakhstan is allowed on the request of a person in the manner prescribed by this Law.

Renunciation of the citizenship of the Republic of Kazakhstan may be refused, if the person, requesting for the renunciation, has outstanding obligations to the Republic of Kazakhstan or debts associated with tangible interests of citizens or enterprises, institutions and organizations located in the Republic of Kazakhstan.

Renunciation of the citizenship of the Republic of Kazakhstan is not allowed, if a person, requesting for it, is prosecuted as an accused, or s/he is serving a sentence by a final judgment of court, or the renunciation of the person conflicts with the interests of national security of the Republic of Kazakhstan.

Footnote. Article 20 as amended by Law of the Republic of Kazakhstan № 233-V dated 04.07.2014 (shall be enforced from 01.01.2015).

Article 20-1. Deprivation of the citizenship of the Republic of Kazakhstan

Deprivation of the citizenship of the Republic of Kazakhstan is allowed only by a court decision for committing terrorist crimes, as well as crimes provided for by relevant articles of the Special part of the Criminal Code of the Republic of Kazakhstan, as a result of which other grave harm is caused to vital interests of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by Article 20-1 in accordance with Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 21. Loss of citizenship

Footnote. The title of Article 21 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The citizenship of the Republic of Kazakhstan shall be lost:

1) as a result of a person's admission to military service, security service, police, judicial bodies and other public authorities of another state, except as otherwise provided for by interstate agreements of the Republic of Kazakhstan;

2) if the citizenship of the Republic of Kazakhstan was acquired as a result of submitting knowingly false information or forged documents;

3) on the grounds provided for by interstate agreements of the Republic of Kazakhstan;

4) is excluded by Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011;

5) if a person acquired the citizenship of another state;

5-1) in case of using documents confirming citizenship of another state after acquiring citizenship of the Republic of Kazakhstan;

6) if the marriage to a citizen of the Republic of Kazakhstan, which was the basis for the acquisition of the citizenship of the Republic of Kazakhstan by a person, was declared invalid by a court ;

7) of own free will of a child, holding the citizenship of the Republic of Kazakhstan and adopted by foreign citizens, when s/he comes of age;

8) as a result of a person's participation in foreign armed conflicts, extremist and (or) terrorist activities in a foreign state.

If a person having the citizenship of the Republic of Kazakhstan obtained the citizenship of a foreign country, within thirty calendar days from the date of acquisition of another nationality, s/he shall report on the acquisition of foreign citizenship to the internal affairs bodies of the Republic of Kazakhstan or foreign missions of the Republic of Kazakhstan and hand over his/her passport and (or) identity card of the Republic of Kazakhstan.

Failure to inform on the acquisition of foreign citizenship in the time period specified in the second part of this article entails responsibility established by the laws of the Republic of Kazakhstan.

Footnote. Article 21, as amended by Decree of the President, having the force of the Law of the Republic of Kazakhstan № 2477 dated 03.10.1995; by Laws of the Republic of Kazakhstan № 322 dated 17.05.2002; № 600 dated 04.10.2004; № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 501-V dated 09.04.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 16.05.2024 № 82-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

CHAPTER 4

Citizenship of children at change of the parents' citizenship and in adoption Article 22. Change of citizenship of a child, whose parents changed their citizenship

If parents of a child under 14 years of age acquired, resumed or renounced the citizenship of the Republic of Kazakhstan, the citizenship of the child shall be changed accordingly.

If only one of the parents of the child is known, and s/he acquires, resumes or renounces the citizenship of the Republic of Kazakhstan, the citizenship of a child under 14 years of age shall be changed accordingly.

Footnote. Article 22 in the new wording of Law of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 23. The child's acquisition of the citizenship of the Republic of Kazakhstan in the case of acquisition of citizenship of the Republic of Kazakhstan by one of the parents

If one of the parents is becoming a citizen of the Republic of Kazakhstan, and the other is a citizen of another state or a stateless person, a child under 14 years of age, residing in the territory of the Republic of Kazakhstan, may acquire the citizenship of the Republic of Kazakhstan at the written request of his (her) parents about it.

Footnote. Article 23 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 24. Saving by a child the citizenship of the Republic Kazakhstan in the case of renunciation of the one of parents the citizenship of the Republic of Kazakhstan

If one of the parents renounces the citizenship of the Republic of Kazakhstan, and the other is a citizen of the Republic of Kazakhstan, a child under the age of 14 years shall retain the citizenship of the Republic of Kazakhstan. Upon the written request of the parents, such a child may be allowed to renounce the citizenship of the Republic of Kazakhstan.

Footnote. Article 24 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 25. Acquisition of a child the citizenship of the Republic of Kazakhstan in the case of adoption

A child under the age of 14 years who is a citizen of another country or a stateless person, adopted by citizens of the Republic of Kazakhstan, shall become a citizen of the Republic of Kazakhstan.

A child under the age of 14 years that is a citizen of another country or a stateless person, that is adopted by a couple, one of whom is a citizen of the Republic of Kazakhstan and the other is not, shall become a citizen of the Republic of Kazakhstan with the consent of the adoptive parents, expressed in writing.

Footnote. Article 25, as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 26. Retention of citizenship of the Republic of Kazakhstan by the child under guardianship

A child under fourteen years of age, residing in the territory of the Republic of Kazakhstan, at the request of the guardian, retains the citizenship of the Republic of Kazakhstan in the following cases:

1) if both parents or a single parent renounce the citizenship of the Republic of Kazakhstan and thus deprived of the parental rights;

2) if both parents that are citizens of other states, dead or missing, and if the relatives that are citizens of the state, which the parents were, refuse to adopt (adoption) or the child does not wish their adoption (adoption);

3) if one of the parents is dead or missing, the child's citizenship is determined by the wishes of the other parent.

Footnote. Article 26 is in the wording of Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 27. Retention of the citizenship of the Republic of Kazakhstan by a child in case of his/her adoption

A child having the citizenship of the Republic of Kazakhstan and adopted by foreigners, retains the citizenship of the Republic of Kazakhstan until s/he comes of age.

The loss or renunciation of the citizenship of the Republic of Kazakhstan of the aforementioned child is permitted only after s/he comes of age and requests for it of his/her own free will.

Footnote. Article 27 in the new wording of the Law of the Republic of Kazakhstan № 501 -V dated 09.04.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 28. Requirement for child's consent to change his/her citizenship

The change of the citizenship of a child between the ages of 14 and 18, whose parents acquired, resumed or renounced the citizenship of the Republic of Kazakhstan, as well as in the case of his/her adoption or custody, is only permitted with the consent of the child in the manner specified by Article 33 of this Law.

Footnote. Article 28 in the new wording of Law of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 5

Powers of the President of the Republic of Kazakhstan and the state bodies on issues of citizenship

Footnote. The title of Chapter 5 is in the wording of Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995.

Article 29. Powers of the President of the Republic of Kazakhstan

The President of the Republic of Kazakhstan is the official, making the decision on issues of citizenship in the Republic of Kazakhstan.

The President of the Republic of Kazakhstan shall decide:

on the conferment of citizenship of the Republic of Kazakhstan;

on the restoration of citizenship of the Republic of Kazakhstan;

on the renunciation of citizenship of the Republic of Kazakhstan.

Footnote. Article 29 as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995; by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002.

Article 30. Powers of the Internal Affairs bodies

The Internal Affairs bodies shall:

1) accept applications concerning issues of the citizenship of the Republic of Kazakhstan from persons that permanently reside in the Republic of Kazakhstan and submit them together with the required documents for the consideration of the President of the Republic of Kazakhstan;

2) register the conferment and renunciation of the citizenship of the Republic of Kazakhstan as provided for by international treaties of the Republic of Kazakhstan;

3) register the loss of the citizenship of the Republic of Kazakhstan by persons permanently residing in the Republic of Kazakhstan;

3-1) register the deprivation of the citizenship of the Republic of Kazakhstan of persons permanently residing in the Republic of Kazakhstan;

4) execute the conferment of the citizenship of the Republic of Kazakhstan in the simplified (registration) procedure;

5) recognize the citizenship (non-citizenship) of the Republic of Kazakhstan of persons permanently residing in the Republic of Kazakhstan.

The procedure for the receipt, processing and consideration by the Internal Affairs bodies of requests (applications) concerning the conferment and resumption of the citizenship of the Republic of Kazakhstan, including the simplified (registration) procedure, for the renunciation, loss and deprivation of citizenship and recognition of the citizenship of the Republic of Kazakhstan is developed and approved by the Ministry of Internal Affairs of the Republic of Kazakhstan

Footnote. Article 30 is in the wording of Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 16. 04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 31. Powers of the Ministry of Foreign Affairs of the Republic of Kazakhstan, foreign missions of the Republic of Kazakhstan

The Ministry of Foreign Affairs of the Republic of Kazakhstan develops and approves the rules for accepting, processing and considering applications by foreign institutions of the Republic of Kazakhstan on issues of citizenship of the Republic of Kazakhstan, loss and deprivation of citizenship of the Republic of Kazakhstan and determination of belonging to the citizenship of the Republic of Kazakhstan.

Foreign institutions of the Republic of Kazakhstan:

accept applications from persons permanently residing outside the Republic of Kazakhstan on issues of citizenship of the Republic of Kazakhstan and, together with the necessary documents, send them for consideration by the President of the Republic of Kazakhstan through the Ministry of Foreign Affairs of the Republic of Kazakhstan;

register the loss of citizenship of the Republic of Kazakhstan by persons permanently residing outside the Republic of Kazakhstan;

register the deprivation of the citizenship of the Republic of Kazakhstan of persons permanently residing outside the Republic of Kazakhstan;

keep records of citizens of the Republic of Kazakhstan, permanently and temporarily residing outside the Republic of Kazakhstan, in the manner determined by the Ministry of Foreign Affairs of the Republic of Kazakhstan;

determine the belonging to the citizenship of the Republic of Kazakhstan of persons permanently residing outside the Republic of Kazakhstan.

In the absence of foreign missions of the Republic of Kazakhstan in a particular country, the functions of these bodies are performed by diplomatic missions and consular offices of other states on the basis of relevant agreements.

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated May 13, 2020 № 327-VI (shall be enforced ten calendar days after the day of its first official publication).

CHAPTER 6

Procedure for consideration of the applications and proposals on issues of citizenship of the Republic of Kazakhstan Article 32. The procedure for applying for citizenship

Applications on issues of citizenship are submitted to the President of the Republic of Kazakhstan by the bodies, referred to in Articles 30 and 31 of this Law.

Period for consideration the applications or representations shall not exceed six months.

Applications concerning the registration of conferment of citizenship in a simplified (registration) order are submitted to the internal affairs bodies.

Footnote. Article 32, as amended by Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. Procedure for citizenship applications

Requests for the conferment, resumption or renunciation of the citizenship of the Republic of Kazakhstan are considered upon a written application of an applicant. As for applications of persons under the age of 18 and those who are recognized incompetent in accordance with the procedure established by law, they are considered at the request of their legal representatives, which is certified by a notary, and in other states – certified by a foreign mission of the Republic of Kazakhstan.

An application for the conferment or renunciation of the citizenship of the Republic of Kazakhstan of a child between the ages of 14 and 18 shall be supported by written consent of the child and certified by a notary, and in other states – certified by a foreign mission of the Republic of Kazakhstan.

An application for the renunciation of the citizenship of the Republic of Kazakhstan of a child under 14, one of whose parents remains a citizen of the Republic of Kazakhstan, shall be submitted together with a statement of this parent, in which s/he expresses his/her attitude towards the child's renunciation of the citizenship of the Republic of Kazakhstan. This statement is certified by a notary, and in other states – certified by a foreign mission of the Republic of Kazakhstan.

If an applicant is unable to sign an application because of his/her illiteracy or a physical defect, at his/her request the application shall be signed by another person, which shall be

appropriately stated on the application by a public notary or a foreign mission of the Republic of Kazakhstan.

An application for the conferment, resumption or renunciation of the citizenship of the Republic of Kazakhstan shall be submitted together with documents certifying an applicant's identity.

Footnote. Article 33 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002; №13 dated 20 December, 2004; № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication)

Article 34. Conclusions on citizenship applications

Internal Affairs bodies, foreign missions of the Republic of Kazakhstan forward their conclusions on applications or representations concerning the citizenship together with a written obligation of a person, applying for citizenship conferment, to comply with conditions stipulated in Article 1 of this Law, through the Internal Affairs Ministry or the Foreign Affairs Ministry of the Republic of Kazakhstan addressed to the President of the Republic of Kazakhstan.

The Foreign Affairs Ministry and the Internal Affairs Ministry submit to the President of the Republic of Kazakhstan their reasoned conclusion on the advisability of the conferment or resumption of the citizenship of the Republic of Kazakhstan for each applicant permanently residing outside the Republic of Kazakhstan, including opportunities for his/her employment, accommodation and other settlement in the Republic of Kazakhstan.

Conclusions on applications for the renunciation of the citizenship of the Republic of Kazakhstan contain accurate data on applicant's outstanding obligations to the state or his/her proprietary obligations that are associated with tangible interests of citizens or organizations, on his/her criminal prosecution, criminal record or serving a sentence by a final judgment of the court, or on conflicting of the person's renunciation with the interests of national security of the Republic of Kazakhstan.

Footnote. Article 34, as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law of the Republic of Kazakhstan № 2477 dated 03.10.1995; by Laws of the Republic of Kazakhstan № 13 dated 20.12.2004; № 102-V dated 13.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); No 233-V dated 04.07.2014 (shall be enforced from 01.01.2015).

Article 35. Citizenship Commission under the President of the Republic of Kazakhstan

The President of the Republic of Kazakhstan sets up a citizenship commission for preliminary consideration of issues of citizenship specified in Article 29 of this Law.

Considering applications and representations on citizenship, the commission comprehensively evaluates arguments of an applicant, the content of a representation, conclusions of state bodies, other documents and duly executed witness statements.

The Commission is entitled to request documents and materials concerning the case under examination from relevant state bodies and public associations that shall submit necessary information within the time limit prescribed by the commission.

The Commission submits their recommendations on every application or representation for the consideration of the President of the Republic of Kazakhstan.

The Commission's meetings are rendered competent, if they are attended by more than half of its members. The Commission adopts decisions by simple majority.

The Commission's decision is recorded in the minutes and signed by its chairman.

Footnote. Article 35 as amended by Law of the Republic of Kazakhstan № 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 36. Acts on citizenship

The Decree of the President of the Republic of Kazakhstan is published on the issues of conferment and change of citizenship, and in rejection of the application.

Repeated application for citizenship is considered after one year after the previous decision on this matter. In the case of appearance of the significant circumstances for the matter that were not and could not be known to the applicant, the repeated request may be considered earlier.

Footnote. Article 36 - as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995.

Article 37. Calculation of a time period for the conferment and termination of citizenship

Footnote. The title of Article 37 in the new wording of Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The citizenship of the Republic of Kazakhstan is acquired on the day of:

- publication of the Decree of the President of the Republic of Kazakhstan on the conferment of citizenship;
- birth or adoption of minors;
- publication of the Decree of the President of the Republic of Kazakhstan on the conferment of the citizenship of the Republic of Kazakhstan to parents of minors;
- its registration in the manner prescribed by interstate agreements;
- registration of the conferment of the citizenship of the Republic of Kazakhstan in the simplified (registration) order.

The citizenship of the Republic of Kazakhstan is terminated on the day of:

- publication of the Decree of the President of the Republic of Kazakhstan on the renunciation of citizenship;
- entry into legal force of a court verdict of the deprivation of the citizenship of the Republic of Kazakhstan;
- registration of its loss by state bodies in the manner prescribed by this Law;
- registration of the renunciation of citizenship in the manner prescribed by interstate agreements of the Republic of Kazakhstan.

Footnote. Article 37, as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 03.10.1995; by the Law of the Republic of Kazakhstan № 478-IV dated 22.07.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 16. 04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 38. Calculation of the period of residence in the Republic

The period of residence in the Republic specified in subparagraph 1) of Article 16 of this Law shall include:

the military service period, if prior to it a person lived in the republic and an interval between the day of discharge from the army and the day of arrival in the Republic of Kazakhstan for permanent residence does not exceed three months;

the time period of study outside the Republic, if an interval between the day of the end of study or expulsion from an educational institution and the day of arrival in the Republic of Kazakhstan does not exceed three months;

the time period of a business trip outside the Republic, if an interval between the end of the trip and the day of arrival in the Republic of Kazakhstan does not exceed three months.

The calculation of a three-month period specified in the first part of this article shall be suspended in case of an illness, natural disaster or other valid reasons.

The period of residence in the Republic of Kazakhstan shall not include the term of serving a sentence imposed by a court of the Republic of Kazakhstan and (or) judicial authorities of other states as well as a stay in the Republic for the purposes of business, medical treatment and other cases of temporary residence.

The period of residence in the Republic of Kazakhstan shall not include the time period preceding the annulment of a person's citizenship of the Republic of Kazakhstan.

Footnote. Article 38 as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002; No 421-V dated 24.11.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 7

Execution of decisions on citizenship Article 39. Bodies, exercising the decisions on citizenship of the Republic Kazakhstan

Execution of decisions on citizenship for persons, permanently residing in the Republic of Kazakhstan, is assigned to the authorized body for documentation and issuing the passports and identity cards, and for persons, residing in another state – to the foreign institutions of the Republic of Kazakhstan.

Persons that acquired the citizenship of the Republic of Kazakhstan are awarded of the identity cards and (or) passports of the Republic of Kazakhstan by the authorized body for documentation and issuing passports and identity cards or by foreign institutions. In the documents of a child under sixteen years of age, a record of his (her) belonging to the citizenship is made.

The internal affairs bodies shall issue the certificates of stateless persons to the persons, residing in the Republic of Kazakhstan and whose citizenship is terminated.

Footnote. The first part of Article 39 as amended by Decree of the President of the Republic of Kazakhstan, having the force of the Law № 2477 dated 3 October, 1995. as amended by Law of the Republic of Kazakhstan № 322 dated 17 May, 2002. New wording – by Law of the Republic of Kazakhstan № 13 dated 20 December, 2004.

Article 40. Control over the execution of decisions on citizenship

Control over the execution of decisions on citizenship is carried out by the Citizenship Commission under the President of the Republic of Kazakhstan.

CHAPTER 8

Appeal of decisions on citizenship Article 41. Appeal of decisions on citizenship

Decisions on issues of citizenship may be revised by the President of the Republic of Kazakhstan.

Appeals against decisions on the question of belonging to citizenship and loss of citizenship are made to the name of the President of the Republic of Kazakhstan.

An unreasonable refusal to accept an application on issues of citizenship, violation of the deadlines for considering applications, as well as other unauthorized actions of officials that violate the procedure for considering cases on citizenship and the procedure for executing decisions on issues of citizenship, may be appealed in the manner prescribed by law to a higher official in the order of subordination, or to court.

Footnote. Article 41 shall be amended in the Kazakh language, the text in Russian shall not be changed by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29/06/2020 № 351-VI (shall be enforced from 01.07.2021).

CHAPTER 9

International treaties

Footnote. Chapter 9 is excluded by Law of the Republic of Kazakhstan № 154-IV dated 29.04.2009 (see Art. 2 for the enactment procedure).

The President
of the Republic of Kazakhstan

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